IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 4183 of 2004

Between:

1 MD.Gouse Pasha, S/o.Sarvamiya,Near Sub-Station

Raghavapoor village, Peddapalli Mandal,
Kareemnagar Dist.
2 Md.Sadiq ali, S/o.Shoukat Ali, Raghavapoor Village,

Peddapalli Mandal, Kareemnagar Dist.

..... PETITIONERS

AND

1 The Mandal Education officer, Education Dept.,Govt.of

A.P.Peddapalli Mandal, Karimnagar Dist.
2 The Dist.Education officer, Education Department, Govt.of

A.P.,Karimnagar Dist.

3 The Chairman of Education Committee, Raghavapoor Village,

Peddapalli Mandal,Karimnagar Dist.
4 The Mandal Revenue officer, Peddapalli Mandal, Karimnagar

Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to `to issue a writ, order or direction, more particularly one in nature of writ of Mandamus declaring the action of the Respondents in interfering/dispossessing/demolishing the petitioners from the lands of the petitioners in Sy.No.1047 of Raghavapoor Village, Paddapalli Mandal, Karimnagar dist. without following due process of law

under Land Acquisition Act., or any other Act and consequently declare the action of the Respondents in taking steps to make construction in violation of all rules as bad in law and violative of principles of Natural Justice, in the Interest of justice and pass.

Counsel for the Petitioners: MR.B.SUDHAKAR REDDY & NEERAJA REDDY

Counsel for the Respondents: GP for School Education

The Court made the following O R D E R:

The case of the petitioners is that one Yerrabati Prabhakar Rao, Manohar Rao and Ramakantha Rao are the original owners of an extent of Ac.13.15 gts of land situated in Sy.No.1047 of Raghavapoor Village, Peddapalli Mandal, Karimnagar District and they gifted an extent of Ac.2.00 gts of land to Darga Shareef for performing pujas and other religious activities and the petitioners are managing the said land. It is further stated that the absolute owners also donated an extent of Ac.1.20 gts of land to the Government of Andhra Pradesh, Medical & Health Department, for constructing a Hospital. While so, the respondents, without their being any right whatsoever, are taking steps to construct a school building in the petitioners' land and trying to dispossess them stating that the Government has sanctioned funds to construct a school building, without following due process of law. Hence, the petitioners have come up with the present writ petition to declare the action of the respondents in interfering with their possession without following due process of law under Land Acquisition Act, or any other Act, as illegal and violative of principles of natural justice.

In the counter filed on behalf of the respondents, it is stated that the writ petition filed by the petitioners is only a speculative litigation. The petitioners have not disclosed the source of their title except stating that the original owners granted the land to them. It is stated that as per the revenue records, one Yerrabati Prabhakar Rao and his son are shown as pattedars of the land in Sy.No.1047, in an extent of Ac.13.15 gts of Raghavapoor village. Subsequently, in the year 2000-2001 basing on the application made by the members of the Darga Shareef Committee, without any enquiry, the Village Secretary, Gram Panchayat made entries showing that Ac.2.00 gts of land, out of Ac.13.15 gts of land is in the possession of Darga Shareef and pattedar name is mentioned as Y.Ramakantha Rao. The said Ramakantha Rao executed a gift deed dated 12-01-2004 donating Ac.0.20 gts of land for the purpose of construction of Mandal Praja Parishad Elementary School at Raghavapoor

village. It is further stated that after executing the said gift deed, some persons in the name of Darga Shareef Muslim Minority Committee, Raghavapoor, submitted a representation stating that for the last several hundred of years, the Darga Shareef is in possession of the land and the land in Sy.No.1047 belongs to Wakf Board and some persons are trying to encroach upon the land and requested to issue pattas in the name of Darga Shareff. It is stated that except the statement of the members of the Wakf Board, no notification vesting the property on the Wakf Board or other substantive material is made available to substantiate their case. Basing on the representation made by the members of Darga Shareef, an enquiry was conducted and the statements of Y.Laxmi Narasimha Rao, Y.Manohar Rao and Y.Ramakantha Rao, in whose name the patta stands, were recorded and they categorically stated that they are in possession of the land and they also stated that at no point of time, they donated the land in favour of Darga, and also stated that they do not know how the possession was noted in the name of Darga and they donated Ac.1.20 gts of land to the Government Hospital and Ac.0.20 gts of land to the Government School, and requested the Mandal Revenue Officer to change the records and include their names in the revenue records as to the possession and patta of the land. It is further stated that the enquiry is not yet completed and after completion of the enquiry, appropriate decision will be taken in accordance with law.

In view of the facts and circumstances of the case, as it is stated that the enquiry is under progress, after completion of the enquiry, the respondents shall communicate the outcome of the enquiry to the petitioners. If the petitioners feel aggrieved by the same, they may approach the competent Civil Court seeking declaration of their title and to restore possession of the land in question.

The writ petition is accordingly disposed of.

_____

21-07-2004

vrn

To

1 The Mandal Education officer, Education Dept.,Govt.of

A.P.Peddapalli Mandal, Karimnagar Dist.

2 The Dist.Education officer, Education Department, Govt.of

A.P.,Karimnagar Dist.

3 The Chairman of Education Committee, Raghavapoor Village,

Peddapalli Mandal,Karimnagar Dist.

4 The Mandal Revenue officer, Peddapalli Mandal, Karimnagar

5 Two C.Cs to the G.P for School Education, High Court Buildings, A.P,.

Hyderabad (OUT)

6 Two C.D. copies.